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Paper No.

Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610

In re Application of Akira Nakano, et al. Application No. 10/043,739 Filed: January 9, 2002 Attorney Docket No. 9281-424



ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed September 27, 2004.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid August 20, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. <sup>1</sup>

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

After the application is received in the Office of Petitions, the file will be forwarded to Technology Center AU 2653 for further processing of the request for continued examination under 37 CFR 1.114 filed September 27, 2004.

Sherry D. Brinkley Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

<sup>&#</sup>x27;The request to apply the issue fee(to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).